

**Procedures for the Hearing of Calendar Matters  
When the Federal Building is Closed or Evacuated  
U.S. Bankruptcy Court for the Western District of New York  
–Rochester Division–**

**I. REGULAR WEDNESDAY MOTION, TRIAL AND EVIDENTIARY CALENDARS**

If a Calendar cannot be started or is interrupted because of a closing or an evacuation of the Federal Building, if the Building is reopened, the

- A. 9:00 a.m. Trial and Evidentiary Calendars will be recalled at 1:30 p.m. that afternoon.
- B. 9:30 a.m. Calendar will be recalled at 2:00 p.m. that afternoon.
- C. 11:00 a.m. Calendar will be recalled at 3:00 p.m. that afternoon.
- D. 11:30 a.m. Calendar will be recalled at 3:30 p.m. that afternoon.

Any matters that can be heard will be heard at the above-listed times (“recall times”) if the parties are available. Otherwise the matters will be automatically adjourned to the next regularly scheduled Wednesday Calendar at the same scheduled time. Parties should make every effort to be available at the recall times that afternoon. However, the Court understands that the parties may have other time commitments. Therefore, no one will be penalized for not appearing at the recall time. If all necessary parties are not able to go forward as outlined above, the matter will be automatically adjourned to the next Wednesday Calendar.

If any Wednesday Calendar affected by a closing or an evacuation is the **third** and last Calendar of the month and there is a fourth Wednesday that month, the matters will be heard on that following Wednesday. Otherwise the matters will be adjourned to the first regularly scheduled Wednesday Calendar of the following month.

**II. CHAPTER 13 CALENDARS**

If the Federal Building is evacuated during a Chapter 13 Calendar, the Court, Chapter 13 Trustee, Debtors and the Debtors’ Attorneys shall evacuate together to the front of the Crown Plaza Hotel (or any successor Hotel) located adjacent to the Federal Building where a decision will be made by the Court and the Chapter 13 Trustee as to a continuation of the Calendar. If the Federal Building is closed at the commencement of a Calendar, that Calendar shall be recalled at the same time on the next regularly scheduled Chapter 13 Monday Calendar, or such different date and/or time as the Chapter 13 Trustee may select and give notice of to all parties-in-interest, after consultation with the Court.

### **III. THURSDAY CHAPTER 11 CALENDARS**

Any matter that is unable to be heard at its regularly scheduled time on the Thursday Calendar because of a closing or an evacuation of the Federal Building will be recalled beginning at 2:00 p.m. that afternoon when any unheard matters will be recalled in the original Calendar order consecutively, rather than at discreet times. Again, the parties will not be penalized for not being available that afternoon, and any matters not concluded will be put over to 2:00 p.m. on the next Wednesday when there are regularly scheduled Motion Calendars or recall Calendars because of a closing or an evacuation covered above, again to be called consecutively without discreet times.

### **IV. OTHER MATTERS**

Pretrials, trials, evidentiary hearings or conferences which cannot be conducted because of a closing or an evacuation of the Federal Building will be rescheduled to discreet times. The parties involved should contact the Court immediately if such a rescheduling cannot be accomplished before or at the time the Building is closed or evacuated.

### **V. GENERAL**

Matters adjourned to a later Calendar can be adjourned to a further date in the event that the parties are unavailable for the later Calendar, upon the specific request of the parties.